DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Klose EP0522437.

3. Regarding claims 36 and 37, Klose discloses a culture medium composition for growing plants comprising a particulate base material of organic material (Klose translation, Abstract: line 1) of no more than approximately 10mm in size (Klose translation, page 4: line 6) and a thermoplastic, biologically degradable binding agent (Klose, translation, page 3: lines 23-24, 30) in an amount of no more than 25% weight (Klose translation, page 3: lines 31-32) for use as a culture medium for growing plants.

4. Claims 36, 40 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalbskopf EP0249261.

5. Regarding claims 36 and 40, Kalbskopf discloses a culture medium composition for growing plants comprising a particulate base material made of peat (Kalbskopf, column 2: lines 6-8) of no more than approximately 10mm in size (Kalbskopf, Abstract: lines 7-8) and a thermoplastic, biologically degradable binding agent in an amount of no more than 25% (Kalbskopf, column 4: lines 9-12) weight for use as a culture medium for growing plants.

6. Regarding claim 42, Kalbskopf further discloses the culture medium at least partially enveloping a core of base material (Kalbskopf, column 1: lines 15-16, 22-30).

Response to Arguments

7. Applicant's arguments filed 04/07/2008 have been fully considered but they are not persuasive.

8. Regarding the applicant's argument that the thermoplastic fibers of Kalbskopf are not biodegradable, the examiner notes that synthetic biodegradable thermoplastic is well known in the art (as evidenced by US 7,241,832, column 5: lines1-9). Biodegradability is a known property of synthetic thermoplastic fibers. Therefore it would be inherent for the thermoplastic of Kalbskopf to be biodegradable.

9. Regarding the applicant's argument that the binding agent of Klose is not biodegradable, the examiner directs the applicant to the above rejection. Klose discloses an organic binding agent (page 3 of Klose translation: lines 23-24), which would be biodegradable. The phosphate glass binding agent (page 3 of Klose translation: line 30).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen C. Hayes whose telephone number is 571-270-3093. The examiner can normally be reached on Monday-Thursday, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571)272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCH
10 June 2008

Peter Poon
Examiner
Art Unit 3643

/Peter M. Poon/
Supervisory Patent Examiner, Art Unit 3643